

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Donald Perry,

Civil No. 11-3464 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Boston Scientific Family,  
Boston Scientific Corporation,  
MD Ken Stein,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated February 8, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Application to Proceed Without Prepayment of Fees (Doc. No. [2]) is **DENIED**.
2. This action is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff's Motion for Temporary Restraining Order (Doc. No. [4]) and Motion to Appoint Counsel (Doc. No. [6]) are **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 1, 2012

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge